

CHAPTER 415

GOVERNMENT - STATE

SENATE BILL 22-215

BY SENATOR(S) Hansen and Zenzinger, Rankin, Buckner, Donovan, Gonzales, Hinrichsen, Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Rodriguez, Story, Winter, Fenberg;
also REPRESENTATIVE(S) Herod and McCluskie, Amabile, Bacon, Benavidez, Bernett, Bird, Boesenecker, Cutter, Daugherty, Esgar, Exum, Froelich, Hooton, Jodeh, Lindsay, Lontine, McCormick, Michaelson Jenet, Ricks, Snyder, Titone, Valdez A., Valdez D., Woodrow, Young.

AN ACT

CONCERNING THE CREATION OF THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND TO BE USED FOR NONFEDERAL MATCH FUNDING REQUIREMENTS FOR INFRASTRUCTURE PROJECTS ELIGIBLE TO RECEIVE FEDERAL FUNDING UNDER THE FEDERAL "INFRASTRUCTURE INVESTMENT AND JOBS ACT", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add 24-75-232** as follows:

24-75-232. "Infrastructure Investment and Jobs Act" cash fund - creation - allowable uses - report - legislative declaration - definitions - repeal. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) THE FEDERAL GOVERNMENT ENACTED WITH BIPARTISAN SUPPORT THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT", WHICH INCLUDES FIVE HUNDRED FIFTY BILLION DOLLARS IN FEDERAL FUNDS FOR NEW INFRASTRUCTURE INVESTMENTS NATIONWIDE;

(b) APPROXIMATELY TWO HUNDRED PROGRAMS IDENTIFIED IN THE FEDERAL ACT MAY BE RELEVANT TO COLORADO AND INITIAL ESTIMATES SHOW THE STATE COULD RECEIVE BETWEEN APPROXIMATELY THREE BILLION FOUR HUNDRED MILLION DOLLARS AND SIX BILLION EIGHT HUNDRED MILLION DOLLARS IN NEW FEDERAL FUNDING FOR INFRASTRUCTURE INVESTMENTS, WITH SIGNIFICANT FUNDING SUBJECT TO NONFEDERAL MATCH REQUIREMENTS;

(c) WITH THESE AVAILABLE FEDERAL FUNDS, COLORADO HAS THE OPPORTUNITY

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

TO MAKE SIGNIFICANT PROGRESS ON ITS INFRASTRUCTURE GOALS THAT CAN CREATE POSITIVE IMPACTS FOR COLORADANS ACROSS THE STATE;

(d) IN ORDER FOR THE STATE TO BE COMPETITIVE FOR THE HIGHEST RANGE OF FUNDING AVAILABLE TO IT UNDER THE FEDERAL ACT, IT IS NECESSARY FOR DEPARTMENTS TO HAVE FUNDS AVAILABLE AS A NONFEDERAL MATCH, ALTHOUGH DUE TO STILL-EVOLVING FEDERAL GUIDANCE THE AMOUNTS NEEDED AND SPECIFIC TYPES OF PROJECTS MAY NOT BE KNOWN IN TIME FOR THIS MONEY TO BE APPROPRIATED IN THE ANNUAL GENERAL APPROPRIATION ACT; AND

(e) THE GENERAL ASSEMBLY DESIRES THE MONEY IN THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND TO BE ALLOCATED AS FOLLOWS; EXCEPT THAT THE ANTICIPATED PERCENTAGES MAY CHANGE DEPENDENT ON NEED AND GUIDANCE DEVELOPED BY THE FEDERAL GOVERNMENT FOR IMPLEMENTATION OF THE FEDERAL ACT:

(I) THIRTY-FIVE PERCENT FOR TRANSPORTATION PROGRAMS;

(II) TWENTY-FIVE PERCENT FOR WATER, ENVIRONMENTAL, AND RESILIENCY PROGRAMS;

(III) TWENTY-FIVE PERCENT FOR POWER, GRID, AND BROADBAND PROGRAMS;

(IV) TEN PERCENT FOR LOCAL MATCH SUPPORT; AND

(V) FIVE PERCENT FOR GRANT WRITING SUPPORT, ADMINISTRATIVE SUPPORT, AND PROJECT PLANNING.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DEPARTMENT" MEANS A PRINCIPAL DEPARTMENT OF THE STATE AS IDENTIFIED IN SECTION 24-1-110 AND THE OFFICE OF THE GOVERNOR, INCLUDING ANY OFFICES CREATED THEREIN.

(b) "FUND" MEANS THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND CREATED IN SUBSECTION (3) OF THIS SECTION.

(c) "INFRASTRUCTURE INVESTMENT AND JOBS ACT" OR "FEDERAL ACT" MEANS THE FEDERAL "INFRASTRUCTURE INVESTMENT AND JOBS ACT", PUB.L. 117-58, AS THE ACT MAY BE SUBSEQUENTLY AMENDED.

(d) "LOCAL GOVERNMENT" MEANS A COUNTY, A MUNICIPALITY, A CITY AND COUNTY, OR A SPECIAL DISTRICT.

(e) "OFFICE" MEANS THE OFFICE OF THE GOVERNOR.

(3) THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SUBSECTION (4) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(4) (a) NO LATER THAN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4)(a), THE STATE TREASURER SHALL TRANSFER EIGHTY MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND.

(b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(c) ON JUNE 30, 2028, THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED MONEY IN THE FUND TO THE GENERAL FUND.

(5) (a) SUBJECT TO APPROVAL BY THE GOVERNOR, A DEPARTMENT MAY EXPEND MONEY IN THE FUND AS THE MATCHING NONFEDERAL FUNDS FOR INFRASTRUCTURE PROJECTS PURSUANT TO REQUIREMENTS OF THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" FOR THE FOLLOWING CATEGORIES:

(I) TRANSPORTATION INFRASTRUCTURE PROJECTS AS SET FORTH IN THE FEDERAL ACT;

(II) WATER, ENVIRONMENTAL, AND RESILIENCY PROJECTS AS SET FORTH IN THE FEDERAL ACT;

(III) POWER, GRID, AND BROADBAND PROJECTS AS SET FORTH IN THE FEDERAL ACT; AND

(IV) ANY OTHER INFRASTRUCTURE PROJECT EXPLICITLY FUNDED AND SET FORTH IN THE FEDERAL ACT.

(b) IN ADDITION TO THE USES SET FORTH IN SUBSECTION (5)(a) OF THIS SECTION:

(I) SUBJECT TO APPROVAL BY THE GOVERNOR, A DEPARTMENT MAY EXPEND MONEY IN THE FUND TO PROVIDE MATCHING NONFEDERAL FUNDS TO A LOCAL GOVERNMENT OR A FEDERALLY RECOGNIZED INDIAN TRIBE FOR MATCH USES DIRECTED UNDER THE FEDERAL ACT; AND

(II) THE OFFICE MAY EXPEND MONEY FROM THE FUND TO PROVIDE GRANT WRITING SUPPORT, PROJECT PLANNING SUPPORT, AND FOR ADMINISTRATIVE NEEDS IN PROCESSING APPLICATIONS FOR MONEY FROM THE FUND AND DISBURSING MONEY AWARDED FROM THE FUND IN ACCORDANCE WITH THIS SECTION.

(c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, A DEPARTMENT AND THE OFFICE MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSES SET FORTH IN THIS SUBSECTION (5).

(d) BEFORE A DEPARTMENTAL EXPENDITURE FROM THE FUND, THE OFFICE SHALL DEVELOP A PROCESS FOR DEPARTMENTS TO APPLY TO EXPEND MONEY FROM THE FUND FOR INFRASTRUCTURE PROJECTS THAT REQUIRE NONFEDERAL MATCH FUNDS IN ORDER TO BE ELIGIBLE FOR FEDERAL APPROVAL TO RECEIVE FEDERAL FUNDING FOR THE INFRASTRUCTURE PROJECT UNDER THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" AND A PROCESS FOR REVIEWING AND APPROVING APPLICATIONS.

(6) ANY DEPARTMENT EXPENDING MONEY FROM THE FUND SHALL INCLUDE

INFORMATION REGARDING AMOUNTS EXPENDED AND ANTICIPATED TO BE EXPENDED AND INFORMATION ON THE SPECIFIC INFRASTRUCTURE PROJECT OR PROJECTS THE MONEY HAS BEEN OR IS ANTICIPATED TO BE EXPENDED ON IN THE DEPARTMENT'S ANNUAL PRESENTATION TO JOINT COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203.

(7) (a) ON OR BEFORE OCTOBER 1, 2022, AND ON OR BEFORE OCTOBER 1 OF EVERY YEAR THEREAFTER, THE OFFICE SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE SENATE COMMITTEE ON TRANSPORTATION AND ENERGY OR ANY SUCCESSOR COMMITTEE, AND THE HOUSE OF REPRESENTATIVES COMMITTEES ON TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND ENVIRONMENT OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE:

(I) INFORMATION, ORGANIZED BY DEPARTMENT AND PRIORITY FUNDING CATEGORY, ON AWARDS THAT HAVE BEEN MADE PENDING FEDERAL APPROVAL INCLUDING THE AMOUNT OF MONEY AWARDED FROM THE FUND, THE FEDERAL FUNDS ANTICIPATED TO BE RECEIVED UPON FEDERAL APPROVAL, AND ANY OTHER FUNDING SOURCES ANTICIPATED;

(II) INFORMATION, ORGANIZED BY DEPARTMENT AND PRIORITY FUNDING CATEGORY, ON AWARDS THAT HAVE BEEN MADE AND RECEIVED FEDERAL APPROVAL INCLUDING THE AMOUNT OF MONEY AWARDED FROM THE FUND, THE FEDERAL FUNDS AUTHORIZED, AND ANY OTHER FUNDING SOURCES AUTHORIZED, RECEIVED, OR ANTICIPATED; AND

(III) ACTUAL EXPENDITURES BY DEPARTMENT FOR AMOUNTS AWARDED FROM THE FUND.

(b) IN ADDITION TO THE INFORMATION REQUIRED PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION, THE OFFICE SHALL INCLUDE IN ITS FIRST REPORT DUE ON OR BEFORE OCTOBER 1, 2022, INFORMATION ON THE PROCESS THAT IT HAS ESTABLISHED FOR RECEIVING AND REVIEWING APPLICATIONS PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION AND ANY RECOMMENDATIONS FOR LEGISLATIVE CHANGES FOR PURPOSES OF IMPLEMENTING THE PROVISIONS OF THIS SECTION.

(c) ANY DEPARTMENT APPLYING FOR AN AWARD OF MONEY FROM THE FUND MUST PROVIDE THE OFFICE WITH THE INFORMATION NECESSARY FOR THE REPORT REQUIRED BY THIS SUBSECTION (7) AND COMPLY WITH ANY REQUEST FROM THE OFFICE FOR THE INFORMATION.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2028.

SECTION 2. Appropriation. For the 2021-22 state fiscal year, \$60,000,000 is appropriated to a department as defined by section 24-75-232 (2)(a), C.R.S., and to the office of the governor for use by a department or the office of the governor. This appropriation is from the "Infrastructure Investment and Jobs Act" cash fund created in section 24-75-232 (3), C.R.S. To implement this act, a department or the office of the governor may use this appropriation for the purposes specified in section 24-75-232 (5), C.R.S. Any money appropriated in this section not expended prior to July 1, 2022, is further appropriated to a department and the office of the

governor through the 2026-27 state fiscal year for the same purpose.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 7, 2022